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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
(Alexandria Division)

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RONALD E. HOUSTON, et al.,)
Plaintiffs,)
V.) Case No.
URS CORPORATION, et al.,) 08 CV 203 (LO)(JFA)
Defendants.) PAGES 1 - 143
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Deposition of DOUGLAS D. FROST, PE

Reston, Virginia
Wednesday, October 8, 2008

Reported by:

Denise Dobner Vickery, RMR, CRR
JOB NO. 189873A

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1 that they may or may not work?

2 A. Yes. There's --

3 Q. So, in a sense, PaRR anticipates that the
4 inspector will work overtime and they want to
5 compensate them for that in part of the fee?

6 A. Yeah. That's correct and it's fairly
7 healthy. Thirty hours a week of overtime. It's
8 built into the rate, and it meets the Service Contract
9 Act requirements, which was a requirement of the
10 contract.

11 Q. Well, what about -- well, let me just ask you.
12 If you had to break down that fee, it includes making
13 your appointments, traveling, overtime, downloading,
14 uploading, doing the inspection, all that sort of
15 thing. Have I missed anything?

16 A. It seems complete, but . . .

17 Q. Now, this PaRR software that reviews the
18 inspections, that exists, right?

19 A. Yeah. Error correcting software.

20 Q. Error correcting software?

21 A. Uh-huh.

22 Q. ECS. I mean, is that --

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1 that he had been convicted by a jury of felony of
2 possession or sale of cocaine base with the intent to
3 distribute?

4 A. No.

5 Q. Did he ever inform PaRR that he had been
6 convicted of assaulting a police officer?

7 A. No.

8 Q. Of resisting arrest?

9 A. No.

10 Q. Of carrying a loaded firearm in a vehicle?

11 A. No.

12 Q. Of carrying a concealed weapon in a vehicle?

13 A. No.

14 Q. And of battery against a woman?

15 A. No.

16 Q. If PaRR had been told the truth about Mr.
17 Houston's criminal convictions, would it ever have
18 retained him to work for it as an independent
19 contractor?

20 A. It would not have retained him.

21 Q. All right. Does PaRR have a cultural
22 diversity plan that applies to disaster housing

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1 Q. All right. Now, in connection with Mr.
2 Houston, was he in any sense what Mr. Kinnan has
3 referred to as a newbie, or was he one of those
4 seasoned guys that really get it, one of the QC-rated
5 inspectors? Could you tell us that?

6 A. Yeah. Mr. Houston was actually one of our --
7 one of our top performers and someone that was in our
8 top probably one or two percent of inspectors.

9 Q. Was he in the top one or two percent of
10 earners in, say, 2005 when he testified that he earned
11 over \$118,000?

12 A. Yes, he was one of our top earners.

13 Q. And what percentile would you say he is? The
14 top 25 percent, the top --

15 A. No, he was in the top one or two percent of
16 the earners.

17 Q. All right. So, there are 98 percent of people
18 who worked as independent contractor inspectors who
19 earned less than he did?

20 A. That would be correct.

21 Q. You mentioned QC inspections, quality control
22 inspections. Do you know whether Mr. Houston actually

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1 was one of those few inspectors that performed quality
2 control inspections in, say, 2005/2006?

3 A. He did perform quality control inspections.

4 Q. Does the fact that he was selected to perform
5 quality control inspections distinguish him from other
6 inspectors in any fashion who had not been so selected?

7 MR. KINNAN: Vague and ambiguous.

8 Overbroad.

9 BY MR. SAYERS:

10 Q. You can go ahead and answer the question.

11 A. We select our top candidates to be quality
12 control inspectors.

13 Q. Before filing his complaint, do you know
14 whether Mr. Houston ever informed PaRR that he believed
15 that he should be classified as an employee and be paid
16 overtime wages as opposed to an independent contractor
17 paid on a per inspection basis?

18 MR. KINNAN: Beyond the scope.

19 THE WITNESS: I've never heard that from
20 anybody, including Mr. Houston.

21 BY MR. SAYERS:

22 Q. You gave some statistics about whether all

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1 MR. KINNAN: Okay. I don't have any
2 further questions. Mr. Mims, do you have any?

3 FURTHER EXAMINATION BY COUNSEL FOR THE DEFENDANTS
4 URS CORPORATION, DEWBERRY & DAVIS LLC and
5 PARTNERSHIP FOR RESPONSE and RECOVERY

6 BY MR. SAYERS:

7 Q. Based upon what Mr. Kinnan asked you, is it
8 just a felony or do misdemeanors count as well in terms
9 of the background check and ascertaining whether
10 someone is eligible to be hired as an independent
11 contractor for PaRR?

12 A. It's anything in their past which would make
13 us believe that they might not be suitable as, you
14 know, as a representative in the field doing work for
15 us and FEMA. Ultimately FEMA.

16 Q. How about crimes of violence, like assaulting
17 a police officer or assaulting a lady?

18 A. Yeah. Anything violent we look -- we look
19 down upon and, again, we have to -- we have to protect
20 the innocent victims and so we want to minimize the
21 potential for anybody being hurt out there. So . . .

22 Q. Well, if PaRR had known that this man had been

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1 convicted of the misdemeanors of assaulting a police
2 officer, assaulting a lady or committing a battery her
3 or carrying loaded firearms in his car and carrying
4 concealed weapons without permits, would he have been
5 hired as an independent contractor?

6 A. We would not have hired him.

7 MR. SAYERS: Thank you. No further
8 questions.

9 FURTHER EXAMINATION BY COUNSEL FOR THE PLAINTIFFS
10 BY MR. KINNAN:

11 Q. And just so we're clear, and you're sure that
12 PaRR did not obtain any information on any prior
13 criminal -- any prior criminal information on
14 Mr. Houston that it considered and either rejected him
15 or accepted him? You're certain?

16 Certain that no one had his record and, based
17 upon whatever judgment they made, accepted it?

18 A. I'm fairly certain that -- that we had no
19 indication that Mr. Houston had, you know, a background
20 which included misdemeanors and felonies.

21 MR. KINNAN: Okay. Now, I'm just going
22 to do this. I don't know what we do in Virginia, but